

REMARKS

Claims 1-20 were pending and rejected in an Office Action dated May 1, 2008. In response, claims 1, 3, 7, 8, 15, 16, 17, and 18 are amended, claims 5, 6, and 10 are canceled, and claims 21-23 are added. Claims 1-4, 7-9, and 11-23 are pending upon entry of this amendment. These changes are believed not to introduce new matter, and their entry is respectfully requested. In view of the Amendments herein and the Remarks that follow, Applicant respectfully requests that Examiner reconsider all outstanding rejections, and withdraw them.

Response to Rejections Under 35 USC § 102

In the Office Action, the Examiner rejected claims 1, 2, 5, 12-16, and 18-20 under 35 USC § 102 as being anticipated by U.S. Patent Publication No. 2004/0221062 ("Starbuck"). This rejection is respectfully traversed.

Claim 1, as amended, incorporates elements of canceled claim 6 related to comparing saturation and brightness values. As mentioned by the Examiner, Starbuck does not disclose these features. As a result, claim 1 and dependent claims 2 and 12-15 are not anticipated by Starbuck. Claims 16, 18, and dependent claims 19-20 are not anticipated by Starbuck for similar reasons. Therefore, Applicant respectfully requests that Examiner reconsider the rejection and withdraw it.

Response to Rejections Under 35 USC § 103

In the Office Action, the Examiner rejected claims 3, 4, 6-11, and 17 under 35 USC § 103 as being obvious over Starbuck in view of U.S. Patent Publication No.

2002/0113801 (“Reavy”). This rejection is respectfully traversed.

Claim 1, as amended, incorporates claims 5 and 6, reciting a method for countering spam that disguises characters within an electronic message, said method comprising the steps of:

locating portions of the electronic message where a difference between foreground color and background color is negligible, comprising:

**determining whether at least one of the foreground color and the background color is a gray-scale color; and
responsive to at least one of the foreground color and the background color being a gray-scale color, deeming the difference between the colors to be negligible based on a comparison of saturation and brightness values of the colors regardless of hue values of the colors;**

deleting from the electronic message foreground characters from said portions, to form a redacted electronic message; and

forwarding the redacted electronic message to a spam filter.

(emphasis added)

As can be seen, the claim recites locating portions of the electronic message where the difference between foreground color and background color is negligible. This includes determining whether at least one of the foreground color and background color is a gray-scale color, and responsive to either color being gray-scale, deeming the difference between the colors to be negligible based on a comparison of saturation and brightness values of the colors regardless of the hue values of the colors. The located portions are then deleted from the electronic message. The claimed invention beneficially takes into account that the difference between a gray-scale color and another color can be negligible even if the hue values of the colors are significantly different. Support in the specification is found, for example, on page 14, line 21 to page 15, line 4.

Claims 16 and 18, as amended, contain similar language to claim 1, and all arguments presented below regarding claim 1 equally apply to these claims.

Claim 1 is not obvious in view of Starbuck and Reavy. Starbuck discloses detecting and removing obfuscating clutter from a message prior to filtering the message. Reavy discloses comparing text colors to background colors to determine if the text is difficult to read. Specifically, neither reference discloses “determining whether at least one of the foreground color or the background color is a gray-scale color.” The Examiner cites paragraph [0032] of Starbuck as disclosing this element. However, this paragraph merely mentions that if a white or very light grey character is displayed on a white background, it is essentially invisible. Though white (or light grey) can be a gray-scale color, the paragraph does not disclose *determining whether* the character color or background color is a gray-scale color.

Also, neither reference discloses “responsive to at least one of the foreground color and the background color being a gray-scale color, deeming the difference between the colors to be negligible based on a comparison of saturation and brightness values of the colors regardless of hue values of the colors.” The Examiner cites paragraph [0010] of Reavy as disclosing this element. However, this portion of Reavy merely discloses that hue, saturation, and luminosity are various factors that may be considered when comparing colors.

Based on the above remarks, Applicants respectfully submit that for at least these reasons a person of ordinary skill in the art would not find invention as defined in claims 1, 16, and 18 to be obvious over the cited reference. Therefore, Applicant respectfully requests that Examiner reconsider the rejection and withdraw it. As to dependent claims,

because claims 2-4, 7-15, 17, and 19-20 variously depend on claims 1, 16, and 18, all arguments advanced above with respect to claims 1, 16, and 18 are hereby incorporated so as to apply to these dependent claims.

Applicants are adding new claims 21-23. Applicant asserts that these claims are supported by the specification and are not anticipated or obvious in view of Starbuck and Reavy.

Applicant respectfully invites Examiner to contact Applicant's representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
SHAUN P. COOLEY

Date: August 12, 2008

By: /Nikhil Iyengar/

Nikhil Iyengar, Attorney of Record
Registration No. 60,910
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (415) 875-2367
Fax: (650) 938-5200